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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,224	05/24/2001	Donald Steiner	2101950-991110	5883

7590 11/30/2004

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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/866,224

**Applicant(s)**

STEINER ET AL.

**Examiner**

Susan Y Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 11 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-9, 17, 20-23, 32 and 35-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9, 17, 20-23, 32 and 35-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Claim Status**

1. This office action is in response to the amendment file on 06/11/2004. Applicants have canceled claims 1-5, 10-16, 18-19, 24-31 and 33-34, and amended claims 6, 9, 17, 20-23, 32 and 35-37 without traverse for continuing prosecution of the instant case, furthermore, added new claims 38-44.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6-9, 17, 20-23, 32, 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Chidlovskii et al. (U.S. Patent No. 6,327,590, hereinafter referred as Chidlovskii).

As to claim 6, Chidlovskii discloses a computer program product for use in conjunction with a distributed network [e.g., the internets (110, 106, Fig. 1), col. 4, lines 1, 8-9] comprising a resource requestor [e.g., the client computer (102, Fig. 1); col. 4,

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line 2], at least one search broker [e.g., the various search engines (20, 80, Fig. 2), col. 4, line 27] and at least one resource provider [e.g., the meta-search engine (80, Fig. 2), the user / community profilers (60, 70, Fig. 2), col. 4, lines 32-40, etc.], the computer program product [e.g., the distributed operating environment system of Fig. 1] comprising a computer readable storage medium [e.g., the heterogeneous databases, col. 5, line 36] and a computer program mechanism [e.g., the distributed operating environment mechanism of Fig. 1, including the application program interface(API, col. 5, lines 11-14), the Wrapper tool (col. 5, line 15-16), the community administrator (col. 7, lines 17-18), etc.] embedded therein, the computer program mechanism comprising:

a) first instructions for sending a resource query executable by said resource requester [e.g., the query (102, Fig. 2) issued by the user(100, Fig. 2), col. 4, lines 1-15];

b) second instructions executable by said search broker [e.g., the heterogeneous search engines, col. 1, lines 47-48] for registering said resource provider [e.g., the heterogeneous information provider distribute over the Web, col. 1, line 51; Note: Heterogeneous information providers must register with heterogeneous search engines to publish resource information at the Internet], wherein, said registering includes storing a list of resource descriptions, associated the said resource provider within a database [e.g., the stored meta-data in a set of profiles; col. 5, lines 22-26];

c) third instructions executable by said search broker for finding said

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resource provider matching said resource query [e.g., col. 1, lines 45-56], upon comparing said resource query with said list of resource descriptions associated with the resource providers [e.g., col. 5, lines 11-29].

d) fourth instructions executable by said search broker for sending said resource query to said resource provider [e.g., the search engine submits the query to the heterogeneous database; see col. 1, lines 50-56; col. 5, lines 33-39; Fig. 2]; and

e) fifth instructions executable by said resource provider for finding resources available matching said resource query [ col. 2, lines 49-51; col. 5, lines 48-55].

As to claim 7, except the features recited in claim 6, Chidlovskii further discloses the sixth instructions executable by said resource provider for sending search results to said resource requester [e.g. col. 5, lines 19-22].

As to claim 8, except the features recited in claim 7, Chidlovskii further discloses the seventh instructions executable by said resource provider for finding search brokers in said computer network [e.g., col. 2, lines 36-43; col. 5, lines 42-55].

As to claim 9, except the features recited in claim 8, Chidlovskii further discloses the eighth instructions executable by said resource provider for obtaining a resource description [e.g., col. 1, lines 50-56; 80, Fig. 2].

As to claim 17, Chidlovskii discloses a computer program product for use in conjunction with a distributed network [e.g., the internets (110, 106, Fig. 1), col. 4, lines 1, 8-9] comprising a resource requestor [e.g., the client computer (102, Fig. 1); col. 4, line 2], at least one search broker [e.g., the proxy server (112, Fig. 1, col. 4, lines 6-15), the various search / meta-search engines (20, 80, Fig. 2), col. 4, line 27] and at least one resource provider [e.g., the user / community profilers (60, 70, Fig. 2), col. 4, lines 32-40], the computer program product [e.g., the distributed operating environment system, Fig. 1] comprising a computer readable storage medium [e.g., the heterogeneous databases, col. 5, line 36] and a computer program mechanism [e.g., the distributed operating environment mechanism of Fig. 1, including the application program interface (API, col. 5, lines 11-14), the Wrapper tool (col. 5, line 15-16), the community administrator (col. 7, lines 17-18), etc.] embedded therein, the computer program mechanism comprising:

a) first instructions for registering said resource provider [e.g., the heterogeneous information provider distribute over the Web, col. 1, line 51] with said search broker [e.g., the heterogeneous search engines, col. 1, line 47-48; Note: Heterogeneous information providers must register with heterogeneous search engines to publish resource information at the Internet], wherein, said registering includes storing a list of resource descriptions [e.g., the stored meta-data in a set of profiles; col. 5, lines 22-26; matching said resource provider within a database [e.g., col. 5, lines 11-29];

b) second instructions for sending a resource query [e.g., the query (102, Fig. 2)] from said resource requester [e.g., the user (100, Fig. 2)] to said search broker [e.g., the meta-search engine (80, Fig. 2)];

c) third instructions for sending said resource query from said search broker to said resource provider [e.g., the search engine submits the query to the heterogeneous database; see col. 1, lines 50-56; col. 5, lines 33-39; Fig. 2], wherein, said sending includes selecting said resource provider upon comparing said resource query with said list of resource descriptions matching the resource providers [e.g., col. 5, lines 11-55].

d) fourth instructions for searching said resource provider for local resources based on said resource query; and

e) fifth instructions for sending search results from said resource provider to said resource requester [e.g., the meta-search wrapper scans the HTML files returned by the search engine and return to the user; see col. 5, lines 16-26].

As to claim 20, except the features recited in claim 17, Chidlovskii further discloses the sixth instructions for determining whether said resource provider contains a resource associated with said resource query [e.g., col. 2, lines 49-51; col. 5, lines 48-55; col. 8, lines 49-51].

As to claim 21, except the features recited in claim 17, Chidlovskii further discloses the resource query comprises a keyword [e.g. the user defined key words t<sub>i</sub>

are keywords of user profile which was used as resource query to meta-search engine 80, Fig. 2; col. 8, lines 35-38].

As to claim 22, except the features recited in claim 21, Chidlovskii further discloses the selecting said resource provider based on said keyword of said resource query [e.g., col. 6, lines 65 – col. 7, line 6].

As to claim 23, except the features recited in claim 17, Chidlovskii further discloses the sixth instructions for ranking said search results at said resource requester [e.g., col. 8, lines 26-46].

As to claim 32, Chidlovskii discloses a computer program product for use in conjunction with a distributed network comprising a resource requestor, a plurality of search brokers and a plurality of resource providers, the computer program product comprising a computer readable storage medium and a computer program mechanism embedded therein, the computer program mechanism comprising:

a) first instructions for registering said plurality of resource providers [e.g., the heterogeneous information provider distribute over the Web, col. 1, line 51] with said plurality of search brokers [e.g., the heterogeneous search engines, col. 1, line 47-48;

Note: Heterogeneous information providers must register with heterogeneous search engines to publish resource information at the Internet]. Wherein, said registering



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includes storing a list of resource descriptions, associated the said resource provider within a database [e.g., the stored meta-data in a set of profiles; col. 5, lines 22-26];

b) second instructions for sending a resource query [e.g., the query (102, Fig. 2)] from said resource requester [e.g., the user (100, Fig. 2)] to at least a subset [e.g., the meta-search engine (80, Fig. 2)] of said plurality of search brokers [e.g., the heterogeneous search engines, col. 1, line 47-48];

c) third instructions for sending said resource query from said subset of said plurality of search brokers [e.g., the meta-search engine (80, Fig. 2)] to at least a subset of said plurality of resource providers [e.g., the community document collection (70, Fig. 2)]. Wherein, said sending said resource query from said subset of said plurality of search brokers includes selecting said at least said subset of said resource provides from said list of resource descriptions associated with each resource provider [e.g., col. 4, lines 1-15; col. 18, lines 35-55].

d) fourth instructions for searching for local resources based on said resource query [e.g., the wrapper used by the meta-searcher that scans the HTML files by the search engine and create (or find) an HTML file for local user viewing based on the resource query; see col. 1, lines 45-56; col. 5, lines 16-26; col. 6, lines 15-26]; and

e) fifth instructions for sending search results from said subset of said plurality of resource providers to said resource requester [e.g., the meta-search wrapper scans the HTML files returned by the search engine and return to the user; see col. 5, lines 16-26].

As to claim 35, except the features recited in claim 32, Chidlovskii further discloses the sixth instructions for determining whether said subset of said plurality of resource providers contains a resource that matches said resource query [e.g., col. 2, lines 49-51; col. 5, lines 48-55; col. 8, lines 49-51].

As to claim 36, except the features recited in claim 32, Chidlovskii further discloses the resource query comprises a keyword [e.g. the user defined key words  $t_i$  are keywords of user profile which was used as resource query to meta-search engine 80, Fig. 2; col. 8, lines 35-38].

As to claim 37, except the features recited in claim 36, Chidlovskii further discloses said selecting comprises selecting a resource provider based on said keyword of said resource query [e.g., col. 6, lines 65 – col. 7, line 6].

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 38-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Berkley et al. (6,546,005).

As to claim 38, Berkley et al. (hereinafter as Berkley) discloses a system comprising:

- a) a database [e.g., The AUR database 174, Fig. 1];
- b) a search broker module to store a resource description associated with a resource provider within said database, the search broker to receive a resource query from a resource requester, the search broker to select the resource requestor having the resource description associated with the resource query, the search broker to send the resource query to the selected resource provider [e.g., Abstract, col. 4, line 30 – line 61; Fig 1 and associated texts].

As to claim 39, except the limitations cited in claim 38, Berkley further discloses that the search broker to receive the resource description from the resource provider [e.g., col. 11, lines 17-54].

As to claim 40, except the limitations cited in claim 38, Berkley further discloses that the resource description includes a keyword associated with a resource [e.g., the identification information, col. 7, lines 53-56].

As to claim 41, except the limitations cited in claim 38, Berkley further discloses that the resource query includes a keyword associated with a resource [e.g., the step 302, Fig. 3A and associated texts].

As to claim 42, Berkley discloses that the features as claimed, comprising:

- a) receiving a resource description associated with a resource provider [e.g., the step 311, Fig. 3B and associated texts];
- b) receiving a resource query [e.g., the step 311, Fig. 3B and associated texts];
- c) selecting a resource provider having the resource description associated with the resource query [e.g., the step 314, Fig. 3B and associated texts];
- d) sending the resource query to the selected resource provider [e.g., the step 316, Fig. 3B and associated texts].

As to claims 43-44, except the limitations cited in claim 42, Berkley further discloses that the resource description includes a keyword associated a resource and each resource query includes a keyword associated with the resource [e.g., the telephone number associated with the AUR system; the identification information, col. 7, lines 53-56].

### ***Response to Arguments***

Applicant's arguments filed on 06/11/2004 have been fully considered but they are not persuasive.

The examiner disagrees with applicant's arguments: 1) Chidlovskii does not disclose the elements of or elements similar to registering a list of resource descriptions matching a resource provider at a search broker; 2) Chidlovskii does not disclose the elements of selecting a resource provider upon comparing the list of resource descriptions matching the resource provider and sending the send query to the selected resource provider as claimed.

In response to applicant's arguments 1 and 2 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., registering a list of resource descriptions matching a resource provider at a search broker) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, even if they are being claimed, the claimed subject matters are clearly being anticipated by Chidlovskii and Berkley as discussed above on record.

Applicant's arguments with respect to claims 38-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2161

November 23, 2004



**UYEN LE**  
**PRIMARY EXAMINER**